

From: "Kit Pappas" <kit@emerytelcom.net>
To: "Kevin Lundmark" <kevinlundmark@utah.gov>, "Ingrid Wieser" <ingridwieser...
Date: 4/8/2010 3:11 PM
Subject: Re: Beaver Creek Protection & Enhancement Plan

Hi Ingrid, I agree that we need to have a meeting concerning these issues. I will try to get something scheduled in the near future so we can all get together and discuss them. The next several weeks are pretty much full for me, but I will try to get something set up asap. With regards to the cliff located in section 8, this is a small area of the lease and it appears to me that the simplest way to address that is not to conduct second mining in that area. We can discuss this further when we meet.

Thanks, Kit

----- Original Message -----

From: "Ingrid Wieser" <ingridwieser@utah.gov>
To: "Kit Pappas" <kit@emerytelcom.net>
Cc: "Daron Haddock" <daronhaddock@utah.gov>; "Jim Smith" <jimsmith@utah.gov>; "Karl Houskeeper" <karlhouskeeper@utah.gov>; "Kevin Lundmark" <kevinlundmark@utah.gov>; <OGMCOAL@utah.gov>
Sent: Thursday, April 08, 2010 2:47 PM
Subject: Re: Beaver Creek Protection & Enhancement Plan

Kit-

As Kevin mentioned, I did look over Horizon mine's commitment to conduct raptor surveys. I have attached the letter from DWR that you referred us to which states that helicopter surveys may no longer be necessary. However, the letter indicates that the cliff face located in SW 1/4 of the SE1/4 of section 8 contains two golden eagle nests and must be protected from spalling prior to undermining. This protection is required under the federal Bald and Golden Eagle Act regardless if the nest is active. Ground raptor surveys may still be necessary for areas which may be subsided and pose a threat to nest destruction or disturbance to active nests. As indicated in the attached letter, species including red-tailed hawk, goshawk, cooper's hawk and sharp shinned hawk may be present in the area. We would like to meet with you to discuss your raptor survey obligations and the protection and enhancement plan that Kevin mentioned below. Both are a high priority since the subsidence is expected to occur this year. Please let us know when you are available to meet.

Thank you

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>>> Kevin Lundmark 4/8/2010 2:09 PM >>>

Kit,

I looked into the commitment to develop a protection and enhancement plan prior to retreat mining under Beaver Creek. Based on our conversation this morning, I understand that retreat mining under Beaver Creek is planned to occur in 2010. You also indicated that you believe the commitment for the protection and enhancement plan was satisfied by the water replacement plan included in the MRP.

Based on the documentation associated with the permit boundary expansion in 2004 - 2005, it appears as though the water replacement plan and selected Chapter 7 appendices were developed to address deficiencies associated with engineering (subsidence control, R645-301-525.480) and hydrology (R645-301-731.530). The protection and enhancement plan is associated with Biology (R645-301-322.100 and R645-301-333). The commitment to develop a protection and enhancement plan is found in MRP Section 10, and to my knowledge, this commitment has not been fulfilled and the development of a protection and enhancement plan would therefore be required prior to retreat mining under Beaver Creek. Additional information about the commitment is included in the Technical Memorandum from Joe Helfrich dated June 8, 2005 (attached, see page 9).

Please don't hesitate to contact me at 801 538 5352 if you have any questions, would like to discuss, or have any additional information. If you would like, I can set up a call in which we can discuss the commitment with Ingrid Wieser, the Division biologist assigned to Horizon. Ingrid is also reviewing the commitment for raptor surveys.

Thanks,
Kevin

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